

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**DAWN BALL,
Plaintiff**

v.

**C/O ECKROTH, et al.,
Defendants**

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No. 1:11-cv-02238

(Judge Kane)

(Magistrate Judge Carlson)

ORDER

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

On June 25, 2012, the Court adopted Magistrate Judge Carlson's June 1, 2012, Report and Recommendation and dismissed Plaintiff Dawn Ball's Fourth Amendment claims without prejudice to Plaintiff endeavoring to correct the defects outlined in the Report and Recommendation within twenty days of the order. (Doc. No. 55.) Thereafter, Plaintiff filed untimely objections to the Report and Recommendation and a motion for reconsideration. (Doc. Nos. 56, 58.) The Court overruled Plaintiff's objections and denied the motion for reconsideration on July 10, 2012, and July 30, 2012, respectively. (Doc. Nos. 57, 59.) There was no activity in this action from August 17, 2012, until August 9, 2013, when the Court issued an order allowing Plaintiff a final opportunity to amend her complaint. (Doc. No. 64.) Thereafter, Plaintiff filed a motion for extension of time. (Doc. No. 65.) On August 30, 2013, Magistrate Judge Carlson denied Plaintiff's motion for an extension of time. (Doc. No. 67.) Plaintiff then filed objections to Judge Carlson's order. (Doc. No. 68.) On October 8, 2013, Judge Carlson issued a Report and Recommendation recommending that Plaintiff's complaint be dismissed with prejudice pursuant to Federal Rules of Civil Procedure Rule 41(b) for failure to prosecute. (Doc. No. 70.) Plaintiff filed timely objections to the Report and Recommendation.

(Doc. No. 71.)

Plaintiff's objections fail to address the legal issues presented in Magistrate Judge Carlson's Report and Recommendation. Rather, the objections consist almost exclusively of complaints regarding the conduct of prison staff and Magistrate Judge Carlson, and offer only conclusory statements in response to the substance of Judge Carlson's Report and Recommendation. Upon a review of the record and the applicable law, the Court detects no error in Magistrate Judge Carlson's findings, and accordingly the Court will adopt Judge Carlson's recommendation that Plaintiff's complaint be dismissed pursuant to Federal Rules of Civil Procedure Rule 41(b) for failure to prosecute. (See Doc. No. 70.)

AND NOW, on this 2nd day of December 2013, **IT IS HEREBY ORDERED THAT:**

1. Magistrate Judge Carlson's Report and Recommendation of October 8, 2013, (Doc. No. 70) is **ADOPTED**;
2. Plaintiff's objections (Doc. No. 71) are **OVERRULED**;
3. Plaintiff's complaint (Doc. No. 1) is **DISMISSED** for failure to prosecute; and
4. The Clerk of Court is instructed to close the case.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania